

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of JACABB Utilities, LLC to request the approval of Agreement with Blair Mills, LLC and to establish sewer rates and charges for a pretreatment facility in Anderson County, South Carolina

RECEIVED

MAY 31 2013

PSC SC
MAIL / DMS

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2013 - 159 - S

(Please type or print)

Submitted by: James S. EakesSC Bar Number: SC Bar # 1820Address: Allen and EakesTelephone: 864-224-1681PO Box 1405Fax: 864-234-8411Anderson, SC 29622

Other: _____

Email: sheilat@goldieassociates.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

RECEIVED

JUN 03 2013

PSC SC
MAIL / DMS

ALLEN AND EAKES
ATTORNEYS AT LAW
P.O. BOX 1405
ANDERSON, S. C. 29622

RICHARD K. ALLEN, JR.*
JAMES S. EAKES*

THOMAS ALLEN (1881-1963)
RICHARD K. ALLEN (1921-1982)

May 22, 2013

TEL. (864) 224-1681
114 WEST ORR STREET
ZIP 29625
FAX (864) 231-8411

RECEIVED

MAY 31 2013

PSC SC
MAIL / DMS

* CERTIFIED CIVIL COURT MEDIATOR

VIA - FIRST CLASS MAIL

The Honorable Jocelyn D. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210

RE: Application of JACABB Utilities, LLC to request the approval of Agreement with Blair Mills, LLC and to establish sewer rates and charges for a pretreatment facility in Anderson County, South Carolina, Docket No. 2013-159-S

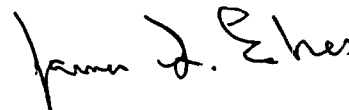
Dear Ms. Boyd:

Enclosed for filing is the Application of JACABB Utilities, LLC in the above reference matter. I would appreciate your acknowledging receipt of this document by date-stamping the extra copy of this letter that is enclosed and returning it to me via first class mail. ✓de

By copy of this letter, I am serving the Office of Regulatory Staff and enclose a certificate to that effect. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

ALLEN & EAKES



James S. Eakes

Enclosure

cc: Dukes Scott, Executive Director, ORS
Stephen R. Goldie, Jacabb Utilites, LLC

**PSC SC
MAIL / DMS**

wastewater as opportunities arise and as approved by South Carolina Department of Health and Environmental Control (SCDHEC) on a case by case basis pursuant to all of the terms, conditions, rates, and charges set forth in the proposed rate schedule upon Commission approval.

3. The Blair Mills facility will operator under the name of Blue Meadows Wastewater Pretreatment Facility ("BMWPF"). The facility is located at 130 Blair Mill Road, Belton, SC 29627.

4. Applicant does not have on file approved rates and charges for sewer service at this facility; Applicant therefore requests the Commission approve the Schedule of Rates and Charges detailed in Exhibit "B".

5. The agreement and schedule of rates and charges will not affect current customers; therefore the Applicant requests that the Commission waive the Notice of Filing in newspapers of general circulation in the affected areas and the Notice of Filing to individual customers.

6. Applicant submits that the public convenience and necessity will be served by the approval of this Agreement. Applicant further requests that no hearing in this matter is required. Since all wastewater will be transported to the facility via rail or vehicle, the Applicant requests the Commission to waive any requirement for a plat of the proposed area to be served. Prospective customers will be those desiring to utilize the Applicant's service based on process availability, cost, and Applicant's willingness to serve.

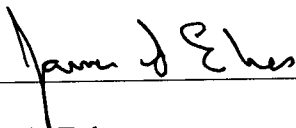
7. Applicant respectively requests that the Commission act expeditiously to approve the attached Agreement, Exhibit A and Schedule of Rates and Charges, Exhibit B.

789
H2085

8. All correspondence and communications regarding this matter should be sent to the undersigned.

WHEREFORE, having fully set forth its Application, Applicant prays that the agreement between Applicant and Blair Mills, LLC be approved; that the Schedule of Rates and Charges be approved; that a Notice of Filing in the newspaper be waived; that the Notice of Filing to individual customer be waived; that a hearing on the within matter be waived and review of the within application and rate schedule be expedited; and that Applicant be granted such other and further relief as the Commission may deem just and proper.

JJE
#3085



James S. Eakes
Allen and Eakes
PO Box 1405
Anderson, SC 29622
(864) 224-1681

Attorney for Applicant

Anderson, South Carolina

This 22nd day of May 2013

EXHIBIT "A"

Agreement

789 /
#456

)

1) AGREEMENT

COUNTY OF ANDERSON

;

RECITALS

WHEREAS, Blair Mills, LLC, hereinafter referred to as Grantor, has of even date herewith conveyed unto JACABB Utilities, LLC, hereinafter referred to as Grantee, 7.64 acres, more or less, shown as Tract 2 on a plat by Survey & Mapping Control, Inc., dated April 24, 2012, of record in the Office of Register of Deeds for Anderson County, South Carolina, in/on Plate Slide S 1956 at Page 4;

WHEREAS, the wastewater pre-treatment facility that served Blair Mills is located on said tract of land, and the adjacent site was operated as a textile manufacturing facility from around 1906 until it closed;

WHEREAS, the tract conveyed has groundwater contamination from an unknown source as a result of the operation of the textile mill; and

WHEREAS, the Grantor has obligations required by DHEC due to said ground water contamination, including monitoring wells.

AGREEMENT

Based upon the mutual covenants and promises between the parties and for other valuable consideration, the parties agree as follows:

1.) The Grantor is solely responsible for all environmental conditions that existed on the date of transfer of legal title, and Grantor is responsible and required to make any corrective action required by law for environmental conditions caused by its operations and existing on the date of the transfer of legal title.

2.) The Grantee is solely responsible for all environmental

conditions that occur after the date of transfer of legal title and caused by its operations and will be responsible to take any corrective action required by law for environmental conditions caused by its operations after the date of the transfer of legal title.

3.) The Grantor is obligated and required to comply with past permitting requirements or past actions not fulfilled prior to the date of transfer of legal title, and the Grantee will be responsible for future permitting requirements after the date of transfer of legal title.

IN THE PRESENCE OF:

BLAIR MILLS, LLC

Paul Davis
Sheela J. Lindsey
Witnesses as to Blair
Mills, LLC

BY: Wilbur M. Rice
Wilbur M. Rice
ITS: Member

JACABB UTILITIES, LLC

Paul Davis
Sheela J. Lindsey
Witnesses as to Seller
JACABB Utilities, LLC

BY: Stephen R. Goldie
Stephen R. Goldie
ITS: Member

EXHIBIT "B"

Schedule of Rate and Charges

182
#545

Schedule of Rates and Charges
for
JACABB Utilities, LLC
For Hauled Waste at
Blue Meadows Wastewater Pretreatment Facility
Anderson County, South Carolina

- | | |
|--|----------------------------|
| 1. Leachate | \$100.00 per 1,000 gallons |
| 2. Residential septic tank waste | \$150.00 per 1,000 gallons |
| 3. Commercial/Industrial wastewater | \$100.00 per 1,000 gallons |
| 4. Biosolids from domestic wastewater treatment plants | \$140.00 per 1000 gallons |

- Biosolids from JACABB Utilities facilities will be given a 28% discount.
- A 10% cost reduction will be offered for a customer that ships 100,000 gallons or more of wastewater characterized as the same type of wastewater within a 30-day period.
- Analysis will be required at least once per quarter and will be conducted at the customer's expense unless the source is from a JACABB Utilities owned facility. Notice of any analysis required will be given to the prospective customer before any waste is received. All analysis required must be conducted by a South Carolina certified laboratory unless an exception is granted by JACABB Utilities.
 - When the quarterly wastewater analyses exceed the established surcharge thresholds listed below, then a customer will be charged surcharges to cover the cost incurred to treat higher strength wastewater. Surcharge thresholds are as follows:
 - Biochemical Oxygen Demand (BOD) - \$0.40 per pound over 500 milligrams per liter (mg/l)
 - Chemical Oxygen Demand (COD) - \$0.40 per pound over 1000 milligram per liter (mg/l)
 - Total Suspended Solids (TSS) - \$0.40 per pound over 500 milligram per liter (mg/l)

Customers will not be charged for both BOD and COD. They will incur the higher of the two parameter charges.

Any surcharges will be billed separately. Shipments will not be accepted if surcharges have not been paid.

5. Annual License Fee

\$100.00 per year

Hauled waste haulers, including digested sludge, septage, commercial, industrial, and leachate wastewater, shall register and receive a license from JACABB Utilities to be able to deliver same to JACABB Utilities Blue Meadows Facility. The hauler shall be licensed for the period January first through December thirty-first each year.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-159-S

RECEIVED

MAY 31 2013

PSC SC
MAIL/DMS

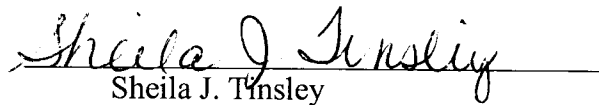
IN RE:

Application of JACABB Utilities, LLC to)
request the approval of Agreement)
with Blair Mills, LLC and to establish)
sewer rates and charges for a pretreatment)
facility in Anderson County, South Carolina)
_____)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day one (1) copy of the **Application** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Dukes Scott
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201


Sheila J. Tinsley

Seneca, South Carolina
This 27th day of May 2013